

AMENDED IN ASSEMBLY APRIL 27, 2015

AMENDED IN ASSEMBLY APRIL 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1010

Introduced by Assembly Member Medina

February 26, 2015

An act to add Section 87482.3 to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1010, as amended, Medina. Community colleges: part-time, temporary employees.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

Existing law requires that a person employed to teach adult or community college classes for not more than 67% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee.

This bill would require community college districts without a collective bargaining agreement with part-time, temporary faculty in effect as of January 1, 2016, to, on or after January 1, 2016, commence negotiations with the exclusive representatives for part-time, temporary faculty regarding the terms and conditions required by the bill. The bill

would specify minimum standards for the treatment of part-time, temporary faculty to be met by community college collective bargaining agreements negotiated on or after January 1, 2016, that are not exempt, as specified. These standards would relate to, among other issues, evaluation procedures, workload distribution, and seniority rights.

To the extent that this bill would impose new duties on community college districts, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87482.3 is added to the Education Code,
2 to read:

3 87482.3. (a) (1) On or after January 1, 2016, community
4 college districts that do not have a collective bargaining agreement
5 with part-time, temporary faculty in effect as of January 1, 2016,
6 shall commence negotiations with the exclusive representatives
7 for part-time, temporary faculty regarding the terms and conditions
8 required by subdivision (b). The parties shall negotiate these rights
9 for part-time, temporary faculty.

10 (2) It is the intent of the ~~Legislature~~: *Legislature that both of*
11 *the following shall occur:*

12 (A) ~~That~~ *The* adoption of provisions in compliance with
13 subdivision (b) shall be included as part of the usual and customary
14 negotiations between the community college district and the
15 exclusive representative for part-time, temporary faculty.

16 (B) ~~That~~ *a* community college district *shall* meet the minimum
17 standards established by this section through the negotiation
18 process between the community college district and the exclusive
19 representative for part-time, temporary faculty.

1 (b) (1) A community college district that enters into a collective
2 bargaining agreement on or after January 1, 2016, shall comply
3 with all of the following:

4 (A) Upon initial hire, a part-time, temporary faculty member
5 shall be evaluated by a committee that shall include, but not
6 necessarily be limited to, a contract or regular faculty peer evaluator
7 who has expertise in the subject matter of the part-time, temporary
8 faculty member's assignment. The evaluation committee may
9 additionally include other evaluators, such as a department chair,
10 dean, or a second peer. The terms and conditions of the evaluation
11 process and procedures shall be locally negotiated between the
12 community college district and the exclusive representative for
13 part-time, temporary faculty. Subsequent to his or her initial hire,
14 each part-time, temporary faculty member shall be evaluated at
15 least once every six semesters or nine quarters of service, exclusive
16 of summer and intersession terms.

17 (B) After six semesters or nine quarters of service, exclusive of
18 summer and intersession terms, each part-time, temporary faculty
19 member who has not received a less-than-satisfactory evaluation
20 during the preceding six semesters or nine quarters of service shall
21 be placed on a seniority list for each assignment at each college
22 where he or she holds a current assignment during the seventh
23 semester or 10th quarter of service, irrespective of how many times
24 he or she has completed each unique assignment. The seniority
25 for all assignments shall be determined based on the first date of
26 hire at the applicable college. Seniority lists shall be by campus
27 unless otherwise locally negotiated between the community college
28 district and the exclusive representative for part-time, temporary
29 faculty.

30 (C) For semester seven or quarter 10 and beyond, each
31 community college district shall endeavor to maintain the workload
32 equivalent that the part-time, temporary faculty member was
33 assigned during semester six or quarter nine, subject to all of the
34 following:

35 (i) As new assignments become available due to growth or
36 attrition, these assignments shall be offered in seniority order to
37 those part-time, temporary faculty members who have qualified
38 to be placed on the seniority list pursuant to subparagraph (B), and
39 previously successfully completed that same assignment. These
40 assignments may be made up to a maximum annualized load,

1 exclusive of summer and intersession terms, in the range of 60 to
2 67 percent of a full-time equivalent load.

3 (ii) In cases where a reduction in assignment needs to occur due
4 to program needs, budget constraints, or more contract faculty
5 hires, the reduction shall occur first from among those part-time,
6 temporary faculty members who have not yet qualified to be placed
7 on the seniority list, and thereafter in reverse seniority order, with
8 the least senior part-time, temporary faculty member reduced first.
9 Any rights to a certain workload equivalent shall be maintained
10 for a period of 18 months. In cases of class cancellation due to low
11 enrollment, faculty members shall displace faculty members who
12 are lower than they are on the seniority list, provided that the class
13 cancellation occurs prior to the first class meeting day.

14 (iii) Each new assignment successfully completed shall be added
15 to the part-time, temporary faculty member seniority list.

16 ~~(D) If a part-time, temporary faculty member rejects any offered~~
17 ~~assignment, he or she shall have his or her workload equivalent~~
18 ~~reduced accordingly. If he or she rejects all offered assignments,~~
19 ~~he or she shall lose all seniority rights.~~

20 ~~(E) Additional~~

21 *(D) Procedures governing refusal or rejection of offered*
22 *assignments, diminution or loss of seniority rights, and additional*
23 *leave or break-in-service provisions may shall be locally negotiated*
24 *between the community college district and the exclusive*
25 *representative for part-time, temporary faculty.*

26 ~~(F)~~

27 *(E) In cases where a part-time, temporary faculty member,*
28 *subsequent to qualifying to be placed on the seniority list, receives*
29 *a less-than-satisfactory evaluation, as that term is defined in the*
30 *collective bargaining agreement between the community college*
31 *district and the exclusive representative for part-time, temporary*
32 *faculty, the faculty member shall be provided a written plan of*
33 *remediation with concrete suggestions for improvement. The*
34 *faculty member shall be evaluated again the following semester.*
35 *If the outcome of this subsequent evaluation is also less than*
36 *satisfactory, the faculty member shall lose all seniority rights, and*
37 *may be dismissed at the discretion of the district. Appeal and*
38 *grievance rights and procedures, if any, shall be subject to local*
39 *collective bargaining.*

40 ~~(G)~~

1 (F) In all cases, part-time faculty assignments are temporary in
2 nature, contingent on enrollment and funding, and subject to
3 program changes, and no part-time faculty member has a
4 reasonable assurance of continued employment at any point,
5 irrespective of the status, length of service, or reemployment
6 preference seniority of that part-time, temporary faculty member.

7 (2) (A) A community college district that has a collective
8 bargaining agreement in effect as of January 1, 2016, that ~~takes~~
9 ~~into account~~ *has provisions in place that require implementation*
10 *of all of the following*, and executes a signed written agreement
11 pursuant to subparagraph (B), shall be exempt from this subdivision
12 upon the expiration of that agreement:

13 (i) Part-time, temporary faculty ~~assignments~~ *assignment* based
14 on seniority up to the range of 60 to 67 percent of a full-time
15 equivalent load.

16 (ii) A regular evaluation process for part-time, temporary faculty.

17 (iii) Due process for termination once a part-time, temporary
18 faculty member has qualified for the negotiated provisions.

19 (B) A written agreement, confirming that *provisions requiring*
20 *the implementation of clauses (i) to (iii), inclusive, have been taken*
21 ~~into account in~~ *included in* a collective bargaining agreement in
22 effect as of January 1, 2016, shall be signed by the exclusive
23 representative for part-time, temporary faculty and the community
24 college district, who are subject to that agreement, in order for the
25 district to be exempt from this subdivision pursuant to
26 subparagraph (A).

27 SEC. 2. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.